

JANE COLLINS.

DECEMBER 26, 1856.—Laid upon the table, and ordered to be printed.

Mr. TAYLOR, from the Committee of Claims, submitted the following

REPORT.

The Committee of Claims, to whom the petition of Jane Collins, with the accompanying papers, was referred, have had the same under consideration, and now report:

The petitioner claims two different sums of money upon separate grounds, as follows: 1st. A sum of \$1,400, which she alleges to be due to her upon a fair settlement, for beef furnished by her in 1812, 1813, and 1814, to Cary Jennings, who was, it is said, authorized to make purchases of beef for the army; and 2d. Another sum, which she claims as a compensation for injury which she alleges to have been done to her by the troops of the United States, whilst occupying her premises in the war of 1812, by breaking down her fences, and letting her cattle and other animals escape from her enclosure, so that they were lost.

The proof in the case is altogether too vague, indefinite, and unsatisfactory to justify any action upon it. If, however, it established the allegations of the petitioner, your committee are of opinion that there would be nothing in the facts which would entitle her to any relief from Congress.

Persons employed by the government to make purchases for the use of the army, are not authorized to purchase on the credit of the United States. If they buy anything on a credit, it is on their own credit, and the party selling to them must look to them exclusively for payment. In the present instance, it seems from the statement of the petitioner that Cary Jennings, on the settlement of his accounts, proved a defaulter to the government. This fact alone is sufficient to show that the person with whom she dealt was entrusted by the government with its funds for the purpose of making purchases for its use, not that he was authorized to purchase for its account on a credit. Under such circumstances, no shadow of claim can exist against the government for the payment of any sum which Jennings might have failed to pay the petitioner for anything he bought of her. The government, when it entrusts a person with money to be expended for its benefit, risks the loss of the money by his unfaithfulness, but most certainly can

incur no obligation to submit to any further loss because that person may have acted with bad faith in his transactions with others.

And again, with respect to the other ground of claim. If the petitioner met with the losses which she sets forth, in consequence of the misconduct of the troops of the United States whilst occupying her premises, she was, beyond all doubt, entitled to compensation, either from the persons causing the damage, in their individual capacity, or from the United States. If from the United States, she could have demanded it at the time from the officer in command of the detachment, to whom it would have been allowed in the settlement of his accounts. Claims of such a nature against the United States require no special legislation to authorize their payment. The officers charged with making the disbursements necessary to keep an army in the field, and make it effective in its movements, are clothed with the power requisite for their payment; and every principle of sound policy forbids that claims of such a character should be investigated, with a view to their recognition and payment, by any other agents of the government than those who had a personal knowledge of the facts giving rise to them.

Your committee recommend that the claims of the petitioner be rejected.

Petition of Mrs. Jane Collins asking compensation for supplies furnished and losses sustained during the war of 1812.

To the honorable the Senate and House of Representatives, in Congress assembled:

The petition of Jane Collins, widow of Philip Collins, deceased, respectfully sheweth, that she is now aged eighty-four years and upwards, and is in a helpless condition, entirely destitute of the comforts of life. That during the war of 1812, when she was a widow with a large family, she contracted with a certain Cary Jennings, who was the then authorized agent to purchase beef and other provisions for the army, then stationed at Norfolk, Virginia, to furnish said army with a large quantity of beef, which she did during the years 1812, '13 and '14; that upon a fair settlement or statement of her accounts with said agent, the government was found to be indebted to your petitioner in the sum of fourteen hundred dollars or thereabouts, which to the present time has never been paid to her or to any person for her use or benefit. The then agent, Cary Jennings, having become a defaulter in a large amount, your petitioner further sheweth that, though she often tried to obtain payment from the said Jennings of the said amount so justly due her, she utterly failed to do so. Your petitioner, soon after the commencement of the war, removed her children into the interior of North Carolina, where they remained during the war, but returned herself to the city of Norfolk, and continued to furnish provisions as aforesaid. And your petitioner further sheweth that the troops were quartered on her premises, then and now called and known as Slaughter's Field; that she was by the occupancy of

said troops prevented from cultivating the same, and that her enclosures were broken down, and her cattle, numbering one hundred, turned out, which she never afterwards recovered; and her crop of the first year entirely destroyed; and during the balance of said war her lands were uncultivated; that the sick were taken to her own house, nursed, fed and provided for, and no charge was then made for the same; that your petitioner several times went to Richmond on business for the government, in her own conveyance, and at her own expense.

And your petitioner further represents that at that time she was in affluent circumstances, but has since been reduced to poverty, when she has become old and afflicted, by endorsing for a certain Thomas B. Seymour, of the city of Norfolk, to the amount of thirty-five thousand dollars, which she has been compelled to sell her property, and pay.

Your petitioner never would have called on the government for assistance if she had not thus been reduced to poverty and want, always having felt the strongest attachment for the country of her adoption and choice. Your petitioner herewith presents the certificates of gentlemen of the highest respectability, substantiating much that is set forth in her petition; nor has your petitioner set forth half of the trials, labor and expense she underwent during said war, nor does she deem it necessary now minutely to describe them.

In view of the present helpless and destitute condition of your petitioner, she would most humbly pray and entreat your honorable bodies to grant her a fair and adequate compensation for her honest and just demand on the government. And your petitioner, as in duty bound, will ever pray, &c.

JANE COLLINS.

NORFOLK, VIRGINIA, *December 20, 1855.*

I, William Roberts, of the city of Norfolk, aged seventy-two years, do hereby certify that I am intimately acquainted with Jane Collins, whose petition is hereto annexed; that during the war of 1812 she was the owner of the tract or parcel of land near Norfolk called and known by the name of Slaughter's Field, which was occupied by the American army during said war; and further know, to my own personal knowledge, that her enclosures were thrown down, and many of her cattle, sheep, and hogs escaped, which she never afterwards recovered; and was also prevented from the cultivation of said farm for the term of three years; and although she has met with many misfortunes, that have reduced her to poverty and want, she never would have asked your honorable bodies to have given her anything for the hard service and loss, but for affliction and old age. I was stationed on the said Slaughter's Field, and remember the circumstances well; and having received the said petition of the said Jane Collins, I have no hesitation in certifying that I believe the facts and statements therein contained are true and to be relied on.

Given under my hand this 7th day of January, 1856.

WILLIAM DREW ROBERTS.

I, William Bolsom, of the city of Norfolk, aged sixty-three years, do hereby certify that I am well acquainted with Jane Collins, whose petition is hereto annexed; that during the war of 1812 she was the owner of the tract or parcel of land near Norfolk called and known by the name of Slaughter's Field, which was occupied by the American army during the said war; and the troops thereon stationed threw down her enclosures, and turned out a large quantity of beef cattle, sheep and hogs, which she never afterwards recovered, as set forth in her said petition; and I am fully convinced that your within named petitioner would not make application to your honorable body but for poverty and actual want; and having received the said petition of the said Jane Collins, I have no hesitation in certifying that I believe the facts and statements therein contained are true and to be relied on.

Given under my hand, this 5th day of January, 1856.

WILLIAM BOLSON.

B. F. BOLSON.

I, John D. Ghiselin, of the city of Norfolk, aged sixty-three years, do hereby certify that I am well acquainted with Mrs. Jane Collins, whose petition is hereto annexed; that during the war of 1812 she was the reputed owner, and I verily believe the real owner, of the tract or parcel of land near Norfolk, called and known by the name of "Slaughter's Field," which was occupied by the American army during the said war, and have no doubt she suffered great loss by the destruction of fences and loss of stock, &c.; and I am fully convinced she would not ask of your honorable bodies payment for her losses if she did not believe she was justly entitled to it, and from age and infirmity and poverty greatly needing it.

JOHN D. GHISELIN.

I hereby certify that, during the last war with Great Britain, a detachment of the militia troops stationed here, under command of Brigadier General Porter, were quartered on the estate understood to have been purchased by Mrs. Jane Collins from the late Dr. Slaughter, and belonging to her at that time. The place was usually denominated and known as "Slaughters," or "Slaughter's Fields." I was, during the time, in the employment of Robert C. Jennings, assistant commissary of purchases, &c.

F. GATEWOOD.

NORFOLK, *December 22, 1855.*

I, William Collins, of the city of Norfolk, aged fifty-three years, do hereby certify that I am the son of Jane Collins, whose petition is hereto annexed; that during the war of 1812 she was the owner of the tract or parcel of land near Norfolk called and known by the name

of Slaughter's Field, which was occupied by the American army during said war; and further know, of my own personal knowledge, that her enclosures were thrown down and one hundred head of beef cattle and a large quantity of hogs escaped that she never afterwards recovered; and that she was also prevented from cultivating said premises during said war; during which time I was frequently assisting her in the prosecution of her daily work. And having received the said petition of the said Jane Collins, I have no hesitation in certifying that I fully believe the facts and statements herein contained are true and to be relied on.

Given under my hand this 5th day of January, 1856.

WM. COLLINS.

Witness: G. G. GARRISON,
GEO. W. STARRS.

I, Nathaniel Wilson, of the city of Norfolk, aged sixty-five years, do hereby certify that I am well acquainted with Jane Collins, whose petition is hereto annexed, and that during the war of 1812, she, said Jane Collins, was owner of a tract or parcel of land near Norfolk called "Slaughter's Field," which was occupied during a portion of said war by the 95th regiment, commanded by Colonel Thomas Lee, and that the officers and men had entire possession of said farm and buildings; and I also know that said Jane Collins furnished beef to the soldiers, as I myself regularly carried orders from Cary Jennings to said Jane Collins for the same twice a week during a portion of said war; and that I have always understood that she lost a considerable sum of money about that time, and had her property sold from her. I have no hesitation in saying that I believe she suffered in the contract with Jennings, and also in the occupation of her farm by the soldiers in the aforesaid war.

Given under my hand this 12th day of January, 1856.

NATHANIEL WILSON.

NORFOLK, January 3, 1856.

I certify that the general facts stated by Mrs. Jane Collins, of this city, in her petition to the legislature of Virginia, are correct, to the best of my knowledge and recollection. I have not the least doubt she has, in one way or other, sustained losses to the full amount she sets forth in her petition, by her patriotic sacrifices for the service of her country.

THO. G. BROUGHTON,
Ex-Lieutenant 8th Regiment Virginia Militia,
in service of the United States, 1814.

ROSS WILKINS, JAMES WITHERELL, AND SOLOMON
SIBLEY,

[COMPANYS BILL H. 412.]

December 26, 1856.

Mr. SUMNER, from the Committee on the Judiciary, made the following

REPORT.

The Committee on the Judiciary, to whom were referred the memorial of
Ross Wilkins and the petition of B. F. H. Witherell, report:

These are applications from one of the judges of the Territory of
Michigan, and from the son and legal representative of another, to be
allowed the benefits of the act of the last session of Congress entitled
"An act to provide compensation for the services of George Marshall, in
adjusting titles to land in Michigan." This act allows compensation
to Judges Chipman and Woodbridge as well as to United Marshals, and
the same reasons which justified the payment to them, as members of
the "land board," in virtue of their judicial duties, would seem to
require that like compensation should be allowed to the other judges.
The accompanying bill merely extends the operation of the act of last
session so as to embrace the other judges. A full statement of the
case will be found in report No. 91, first session third Congress.

IN THE SENATE OF THE UNITED STATES, February 7, 1857.

Mr. WILLIAMS made the following report:

[SEN. COM. NO. 21, to accompany Bill S. 102.]

The Committee of Ohio, to whom was referred the memorial of Maria
Marshall, widow of the late honorable George Marshall, one of the judges
of the supreme court of the Territory of Michigan, praying compensation
for the services of her late husband as a member of the board
for the adjustment of land titles in Michigan, have had the same
considered and report:

It appears that the honorable George Marshall was appointed to the
post 1832, one of the judges of the supreme court of the Territory of
Michigan, and continued to fill that office until the session of that